(15) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(16) Allotments established in the foregoing manner and the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205(a) of the Act.

(17) To assure that an allottee will not market a quantity of sugar in excess of his final 1966 allotment to be established later on the basis of final data, allotments established by this order should be limited to 90 percent of the direct-consumption portion of the mainland sugar quota for Puerto Rico pending the allotment of the quota based on final data.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the findings and conclusions heretofore made, it is hereby ordered:

§ 815.7 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1966.

(a) *Allotments.* For the period January 1, 1966, until the date allotments of the entire 1966 direct-consumption portion of the mainland sugar quota for Puerto Rico are prescribed, 90 percent of the 1966 direct-consumption portion of the mainland sugar quota for Puerto Rico is hereby allotted as follows:

Allottee	Direct-Consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	5,496
Central Roig Refining Co	18,394
Central San Francisco	1,151
Puerto Rican American Sugar Refinery, Inc	86,331
Western Sugar Refining Co	20,898
Liquid sugar reserve for persons other than named above	30
Subtotal	132,300
Unallotted	14,700
Total	147,000

(b) *Restrictions on marketing.* (1) During the calendar year 1966, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States within an allotment established for such allottee, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico, and the quantity of sugar produced from Puerto Rican sugarcane which was sugar acquired by the allottee in 1966 for further processing and shipment within the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1966.

(2) During the calendar year 1966, all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except that acquired from an allottee within the quantity limitations established in subparagraph (1) of this paragraph and that brought in within the liquid sugar reserve for persons other than named allottees.

(3) Of the total quantity of direct-consumption sugar allotted in paragraph (a) of this section, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure and the balance may be filled by sugar whether or not principaly of crystalline structure, except that 30 short tons, raw value, of such balance is reserved to cover shipments of liquid sugar by other than named allottees.

(c) *Revision of allotments.* The Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this section without further notice or hearing to give effect to (1) the substitution of revised estimates or final data for estimates as provided in Finding (9) accompanying this order, (2) any increase or decrease in the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1966, as provided in Finding (10) accompanying this order, and (3) the reallocation, as provided in Finding (12) accompanying this order, of any allotment or portion thereof released by an allottee.

(d) *Transfer of marketing rights under allotments.* The Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, of the Department, consistent with the provisions of the Act, may permit a quantity of sugar produced from sugarcane grown in Puerto Rico to be brought into the continental United States for direct-consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon relinquishment by the latter allottee of an equivalent quantity of his allotment and upon receipt of evidence satisfactory to the Secretary that a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; interprets or applies sec. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Effective date. January 1, 1966.

Signed at Washington, D.C., this 29th day of December 1965.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65-14016; Filed, Dec. 30, 1965; 12:40 p.m.]

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 868.18]

PART 868—SUGARCANE; VIRGIN ISLANDS

Fair and Reasonable Wage Rates; Calendar Year 1966

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on November 8, 1965, the following determination is hereby issued.

§ 868.18 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1966.

(a) *Requirements.* A producer of sugarcane in the Virgin Islands shall be deemed to have complied with the wage provisions of the act during the calendar year 1966 if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher but not less than the following, which shall become effective on January 10, 1966:

(i) *Basic time rates.* The basic rate per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class or worker	Basic rates per hour
A—Operator of mechanical loaders	$0.90
B—Operator of tractors and trucks	.75
C—Chemical sprayers	.70
D—All others	.65

(ii) *Apprentice operators of mechanical loaders and tractors.* For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour, and the hourly rate for tractor operators in Class B of subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided,* That the training period for such workers shall not exceed 6 work-weeks: *And provided further,* That the producer shall file with the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico 00910 (herein referred to as Area Office), a certified statement containing the names of all such workers, the hourly wage rate paid to each, and the period each was employed as a learner or as an apprentice.

(iii) *Handicapped workers.* For an individual whose productive capacity is impaired by age or physical or mental deficiency, the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided,* That the producer shall file with the Area Office, a certified statement containing the names of all such workers, the hourly wage rates paid to each, and the nature of the handicap of each such worker.

(iv) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 40 hours in any 1 week shall be paid for the overtime work at a rate not less than 1½ times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided,* That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in applicable municipal or territorial laws or regulations.

(v) *Piecework rates.* If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings for each worker employed on piecework during each pay period (such pay period not to be in excess of 2 weeks) shall average for the time involved not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of 2 years following the date on which his application for a Sugar Act payment is filed, such wage records as will fully demonstrate that each worker has been paid in full in accordance with the requirements of this section. The producer shall furnish upon request to the area office records or such other evidence as may satisfy such office that the requirements of this section have been met.

(c) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(d) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the area office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms may be obtained by writing to the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, P.R., 00910. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the area office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The area office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the area office is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the area office, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payment under the act is concerned.

(e) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the area office (1) that the producer has made a full disclosure to the area office or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the area office makes the determination as heretofore provided in this paragraph, such office shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the area office determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarcane on the farm, until such time as evidence required by the area office has been furnished to such office establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the area office's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt register for the total payment made until the area office determines that all workers on the farm have been paid in full: *Provided,* That if the area office determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt register only for the total amount of the unpaid wages.

STATEMENT OF BASES AND CONSIDERATIONS

(A) *General.* The foregoing determination establishes the minimum wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1966, as one of the conditions with which producers must comply to be eligible for payments under the act.

(B) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among the various producing areas.

(C) *1966 wage determination.* This determination continues the wage rates and other provisions of the 1965 determination and includes a provision relating to the withholding of Sugar Act payments in the event workers are not paid wages due them.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on November 8, 1965, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for sugarcane fieldworkers for the calendar year 1966. A representative of

Harvlan, Inc., the largest producer and only processor of sugarcane in the Virgin Islands, recommended that there be no change in the minimum wage provisions of the determination. He based his recommendation on the very low production from the 1965 crop, which he termed "disastrous," and to the unfavorable prospects for the 1966 crop. He presented data showing that the 1965 crop harvest had produced only 4,295 tons of sugar as compared to 15,362 for the previous crop, a decline in production amounting to 72 percent as a direct result of a severe and prolonged drought. He stated that the cane had been damaged further by fires in the dry fields. The witness testified that most fieldwork was performed by imported British West Indies workers who are employed mainly on a piecework basis, and that their hourly earnings exceeded the minimum rates for the class of work performed.

Consideration has been given to the testimony presented at the public hearing, to the economic position of sugarcane producers, and to other pertinent factors. The returns, costs, and profits of the sugarcane producing operations of producers, obtained by field study in prior years, have been recast in terms of prices and conditions likely to prevail during the 1966 crop. The analysis indicates that sugarcane production is profitable only when weather and growing conditions are favorable. During the past year producers have suffered substantial losses in the production of sugarcane. Moreover, present prospects indicate that the 1966 crop also will not be profitable.

After consideration of the factors involved, the wage rates established in this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Sec. 301, 61 Stat. 929 as amended; 7 U.S.C. 1132)

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on January 10, 1966.

Signed at Washington, D.C., on December 30, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-76; Filed, Jan. 4, 1966; 8:47 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 878.18]

PART 878—SUGARCANE; VIRGIN ISLANDS

Fair and Reasonable Prices, 1966 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on November 8, 1965, the following determination is hereby issued:

§ 878.18 Fair and reasonable prices for the 1966 crop of Virgin Islands sugarcane.

A producer of sugarcane in the Virgin Islands who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1966 crop grown by other producers and processed by him at rates not less than those determined in accordance with the following requirements, or at a combined rate of not less than the sum of the rates determined in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to a 96° basis.

(2) "Settlement period" means the 2-week period in which sugarcane is delivered by the producer to the processor. The first such period shall start on Monday of the week grinding commences and successive periods shall start at 2-week intervals thereafter. Odd days at the end of the grinding season shall be included in the preceding period if less than 7 days and if 7 days or more shall constitute a separate settlement period.

(3) "Price of raw sugar" means the simple average of the daily spot quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) for the settlement period, except that, if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(4) "F.O.B. mill price" means the price of raw sugar minus selling and delivery expenses actually incurred by the processor in marketing raw sugar of the 1966 crop.

(5) "Yield of raw sugar" means the quantity of raw sugar recovered per 100 pounds of sugarcane determined for each settlement period in accordance with the following procedure:

(i) A representative sample shall be taken of each producer's daily deliveries of sugarcane during the settlement peroid and ground by a laboratory power mill. The juice extracted therefrom shall be analyzed for Brix and sucrose content by standard methods of analysis.

(ii) Application shall then be made of the formula, $R=(S-0.3B)\,F$, where:

R=Yield of raw sugar.

S=Sucrose content of the laboratory power mill juice obtained from the sugarcane of each producer.

B=Brix of the laboratory power mill juice obtained from the sugarcane of each producer.

F=Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period, from the product of the formula $(S-0.3B)$, and the number of hundredweight of sugarcane; and

(b) Divide the pounds of raw sugar, 96° basis, produced and estimated from all sugarcane received and tested during the settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor F.

(iii) In the event any sugarcane was not processed during the settlement period in which it was received and tested, the quantity of sugar produced during such period shall be increased by attributing to such sugarcane an estimated quantity determined by multiplying the number of tons of such unprocessed sugarcane by the average percentage of sugar, 96° basis, that was recovered from all sugarcane processed during such settlement period. The quantity of sugar so estimated shall be deducted from the sugar produced during the subsequent period.

(b) *Payment for sugarcane.* (1) The payment for sugarcane delivered by the producer to the processor during a settlement period shall be calculated on the basis of the f.o.b. mill price for that portion of the raw sugar determined by applying not less than the following applicable percentage to the yield of raw sugar from the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane	*Percentage*
6.0	53.0
7.0	54.0
8.0	55.0
9.0	56.0
10.0	57.0
11.0	58.0
12.0	59.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(2) The processor shall pay to the producer for each 100 pounds of sugarcane delivered an amount for molasses computed by applying the following applicable percentage to the product of 12.5 cents per gallon and the average number of gallons of blackstrap molasses produced per 100 pounds of sugarcane of the 1965 crop:

Pounds of raw sugar per 100 pounds of sugarcane	*Percentage*
6.0	86.0
7.0	80.0
8.0	74.0
9.0	68.0
10.0	62.0
11.0	56.0
12.0	50.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12

pounds of raw sugar are to be in proportion to the immediately preceding interval.

(c) *Delivery point and transportation allowances.* The price for sugarcane established by this section shall be applicable to sugarcane delivered to the mill. For each 100 pounds of sugarcane delivered to the mill the processor shall make an allowance to the producer for loading and transporting such sugarcane in an amount not less than one-half of the loading and transportation rate applicable to the 1965 crop. The rates and allowances shall be posted at the mill by the processor.

(d) *Reporting requirements.* The processor shall submit in duplicate to the Caribbean Area Agricultural Stabilization and Conservation Service Office, San Juan, P.R., for approval a certified statement itemizing the actual expenses deducted in determining the f.o.b. mill price of raw sugar.

(e) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this determination through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1965 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay, under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1966 Price determination.* This determination continues the provisions of the 1965 crop determination, except that the molasses payment to producers is based on a price of 12.5 cents per gallon instead of 11.5 cents per gallon. This reflects the most recent 5-year average net proceeds received from sales of molasses by processors in Puerto Rico.

A public hearing was held in Christiansted, St. Croix, V.I., on November 8, 1965, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1966 crop of sugarcane. The witness for Harvlan, Inc., the only processor and the largest sugarcane producer on the Island, recommended that the provisions of the 1965 crop determination be continued for the 1966 crop. The witness stated that the company paid producers a higher percentage share of the sugar recovered from 1965 crop sugarcane than required by the fair price determination; that settlement for 1966 crop sugarcane would be made on the same higher percentage share basis; and that the method of determining the molasses price on which the molasses payment to producers is based used in prior years would be satisfactory for the 1966 crop. The witness said that the 1965 crop, one of the worst on record, produced only 4,269 tons of sugar, and that the outlook for the 1966 crop is not favorable. There were no representatives of independent sugarcane producers at the hearing.

Consideration has been given to the recommendations made at the hearing to the returns, costs, and profits of producing and processing sugarcane obtained by field study for prior years, and recast to reflect prospective price and production conditions for the 1966 crop, and to other pertinent factors. Analysis of these data indicates that the sharing relationship provided in this determination is favorable to independent producers.

The provision of prior determinations of relating the price of molasses on which the molasses payments to producers is based to the most recent 5-year average net proceeds from sales of molasses by processors in Puerto Rico is continued. The application of this formula results in an increase of 1 cent per gallon—from 11.5 cents to 12.5 cents—in the molasses pricing basis.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I find and conclude that the foregoing price determination will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date. January 5, 1966.

ORVILLE L. FREEMAN,
Secretary.

DECEMBER 30, 1965.

[F.R. Doc. 66-77; Filed, Jan. 4, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 194, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.494 (Lemon Regulation 194; 30 F.R. 16063) are hereby amended to read as follows:

§ 910.494 Lemon Regulation 194.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 148,800 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 30, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-108; Filed, Jan. 4, 1966; 8:49 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Holding and Delivery of Reserve Prunes

Pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 30 F.R. 9797), hereinafter referred to collectively as the "order," regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the Prune Administrative Committee has unanimously recommended an amendment of the Subpart—Administrative Rules and Regulations (7 CFR Part 993; 30 F.R. 13310). The subpart is operative pursuant to the order.

Present § 993.157(d) will be amended by revising the basis for computing the amount a handler would be required to pay to the Committee in the event the handler fails to hold for the Committee his total reserve prune holding requirement in any category and fails to rectify such a deficiency with salable prunes. Also, a new paragraph (g) will be added to present § 993.157 authorizing handlers to exchange salable prunes for reserve prunes under conditions and during such period or periods as will permit administrative control by the Committee and preserve equity values on prunes in the reserve pool.

After consideration of all relevant information, including the Committee's recommendation, it is found that the amendment of the Subpart—Adminis-

trative Rules and Regulations, as hereinafter set forth, is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That the Subpart—Administrative Rules and Regulations be amended as follows:

1. Paragraph (d) of § 993.157 is amended by deleting the phrase "the bonding rate established pursuant to § 993.58(b) (1) for prunes of the category in which such deficiency occurs" and the phrase "the applicable exchange value established by the Committee pursuant to paragraph (g) of this section" is substituted in lieu thereof.

2. A new paragraph (g) is added to § 993.157.

Paragraphs (d) and (g) of § 993.157 read as follows:

§ 993.157 Holding and delivery of reserve prunes.

* * * * *

(d) *Provision in the event of failure to hold reserve prunes in accordance with holding requirement.* In the event a handler fails to hold for the Committee his total reserve prune holding requirement in any category and is unable to rectify such a deficiency with salable prunes, he shall compensate the Committee in an amount computed by multiplying the pounds of natural condition prunes so deficient by the applicable exchange value established by the Committee pursuant to paragraph (g) of this section: *Provided,* That the remedies prescribed herein shall be in addition to, and not exclusive of, any of the remedies or penalties prescribed in the act with respect to noncompliance. The determination of any such deficiency shall include application of any tolerance allowance for shrinkage in weight, increase in the number of prunes per pound, and normal and natural deterioration and spoilage which may then be in effect.

* * * * *

(g) *Exchange of salable prunes for reserve prunes.* The Committee may permit handlers to exchange salable prunes for an equal quantity of reserve prunes of greater value during any period or periods established by the Committee. The exchange values shall be the level of field prices for each grade, size, and variety, or such prices adjusted by the Committee to reflect increases in market value. Any handler desiring to make such an exchange shall submit a certified application to the Committee on Form PAC 7.1 "Application to Exchange Salable Prunes for Reserve Prunes" which shall contain at least the following information: (1) The date and the name and address of the handler; (2) each quantity of salable prunes available for exchange, itemized by grade, size, and variety; (3) the value of each quantity of such salable prunes and their total value; (4) each quantity of reserve prunes desired to be exchanged, itemized by grade, size, and variety; (5) the value of each quantity of such reserve prunes and their total value; and (6) the difference in value, which difference is to be paid to the Committee. A handler submitting an application to the Committee shall not make any exchange until he has paid the Committee the difference in value between the prunes exchanged and has received the written approval of the Committee to make the exchange.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making the provisions hereof effective upon publication in the FEDERAL REGISTER and not postponing the effective time until 30 days after such publication (5 U.S.C. 1003 (a) and (c)) in that: (1) This action would provide the means whereby a handler may exchange salable prunes for reserve prunes and thereby adjust his salable supply to reflect his sales requirements; (2) the exchange would permit an adjustment in handler inventories in circumstances where an increase in the salable tonnage of prunes is not warranted by a release of reserve prunes; (3) this action thereby would be a means of relieving restrictions on handlers; and (4) this action was unanimously recommended by the Committee, representing both producers and handlers, and handlers require no additional advance notice to comply therewith.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 30, 1965, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–106; Filed, Jan. 4, 1966; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION AND ANIMAL PRODUCTS

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

SUBCHAPTER G—ANIMAL BREEDS

SUBCHAPTER H—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Under authority delegated at 29 F.R. 16210, as amended, the provisions in Subchapters B, C, D, E, G, and H of Chapter I, Title 9, Code of Federal Regulations, are hereby amended in the following respects pursuant to the statutory authorities under which such provisions were issued:

1. Wherever in Parts 51, 52, 53, 54, 55, and 56 of Subchapter B, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Disease Eradication Division" appears, the name "Animal Health Division" is substituted therefor.

2. Wherever in Parts 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, and 83 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Disease Eradication Division" appears, the name "Animal Health Division" is substituted therefor.

3. Wherever in Part 76 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Disease Eradication Division" or "Animal Inspection and Quarantine Division" appears, the name "Animal Health Division" is substituted therefor; except that where the name "Animal Inspection and Quarantine Division" appears in §§ 76.4(b), 76.5(b), and 76.7(b), the name "Veterinary Biologics Division" is substituted therefor.

4. Wherever in Part 91 of Subchapter D, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Disease Eradication Division" or "Animal Inspection and Quarantine Division" appears, the name "Animal Health Division" is substituted therefor.

5. Wherever in Parts 92, 94, 95, 96, and 97 of Subchapter D, Chapter I, Title 9, Code of Federal Regulations, the name "Animal Inspection and Quarantine Division" appears, the name "Animal Health Division" is substituted therefor.

6. Sections 122.1, 122.2, and 122.3 of Part 122, Subchapter E, Chapter I, Title 9, Code of Federal Regulations, are renumbered §§ 122.2, 122.3, and 122.4, respectively.

7. A new § 122.1 is added to Part 122 of Subchapter E, Chapter I, Title 9, Code of Federal Regulations, to read as follows:

§ 122.1 Definitions.

The following words, when used in the regulations in this Part 122, shall be construed, respectively, to mean:

(a) *Department.* The U.S. Department of Agriculture.

(b) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(c) *Division.* The Animal Health Division of the Department.

(d) *Director.* The Director of the Division or any officer or employee of the Division to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(e) *Organisms.* All cultures or collections of organisms or their derivatives, which may introduce or disseminate any contagious or infectious disease of animals (including poultry).

(f) *Vectors.* All animals (including poultry) such as mice, pigeons, guinea